

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

GREGORY WAYNE COLBURN ALSO  
KNOWN AS GREGORY WAYNE  
CULBURN

PETITIONER

VS.

CIVIL ACTION NO. 3:18CV117TSL-JCG

PELICIA HALL, COMMISSIONER,  
MISSISSIPPI DEPARTMENT OF CORRECTIONS;  
AND JIM HOOD, ATTORNEY GENERAL OF THE  
STATE OF MISSISSIPPI

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge John C. Gargiulo, and the court, no objection having been filed and having fully reviewed the report and recommendation entered in this cause on October 9, 2019, and no objection having been filed and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge John C. Gargiulo entered on October 9, 2019, be, and the same is hereby adopted as the finding of this court. Accordingly, the petition for writ of habeas corpus, filed pursuant to § 2254, is hereby dismissed and petitioner's motion for judgment on the pleadings is denied.

It is further ordered that a certificate of appealability is denied. Petitioner has failed to demonstrate that "jurists of

reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 3rd day of February, 2020.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE